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**Can negotiated land reforms  
deliver? A case of Kenya's,  
South Africa's and Zimbabwe's  
land reform policy debates**

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## **Abstract**

Land is a metaphor of power. In contexts of political transitions, it assumes a medium of “reconciliatory arena” used to mediate property rights regimes often irreconcilable and at the heart of agrarian conflict and struggles against white minority rule in colonial Africa. In such cases, land reform policies are not legislated to radically alter the structural inequities in land redistribution but rather tinker with the patterns of land ownership in a manner that would satisfy contending constituencies in newly formed political and social orders. Framed in these terms, the latent aim of reform is to strike a delicate balance that responds to the political and economic imperatives that shape the very nature of the political transition itself. A review of the historical experience of land dispossession and the land policy debates in Kenya, South Africa and Zimbabwe will substantiate the argument outlined herein. The implications of Zimbabwe’s land invasion to Kenya’s and South Africa’s land question will be discussed against the background of the similarities and differences that mark the three countries and the sporadic land invasions Kenya and South Africa have experienced in the wake of Zimbabwe’s land crisis.

## INTRODUCTION

### **Theoretical Perspectives on the Land Question**

Land, a central pivot of power, is often at the heart of agrarian conflict. The key problem that faces any land reform programme is the institutionalised and skewed nature of the social relations that are borne out of control, access and use of land and its accruing benefits<sup>1</sup>. Land reform is a highly politicised process characterised by unequal power relations. Any programme of land reform has to inevitably deal with the vexed issue of property relations and their constitutional basis. It is therefore important to envision land reform processes as networks of power relations in institutionalised form. Monopoly control of land leads to monopoly control of power over people. Often enough, institutionalised control of land operates through the political system. The reciprocal relationship between land ownership and the political system makes them interdependent. The land ownership system becomes a pillar in agrarian societies of the wider socio-economic and political system. The latter in turn becomes the guardian and support of the land ownership system<sup>1</sup>. Landowners have always ensured that the political system comes under their control or influence. Land owning interests, especially if they are privileged and entrenched, will not give up their privileges or power unless they are forced to do so through one form of negotiation or coercion. Only an acute conflict and shift in the power structure will bring about significant change within the agrarian system. This is what is often termed as the “agrarian conflict and the political economy of reform<sup>2</sup>”. Hence, understanding land reform programmes in Kenya, South Africa and Zimbabwe necessitates cognisance of the political economy that shapes a country’s land and agrarian policy in contexts of political transitions to democracy.

Land reform is not merely an economic programme aimed at spreading social and economic justice but also a political programme borne out of a negotiated settlement aimed at balancing the interests of the landowners with those of the land-deprived majority of its population within a market orientated economic framework. Taking this position allows one to conceptualise the inherent discourses that characterise the programme’s policy making and implementation process. For instance, quite often the limits of what a land reform programme can or could do are framed within the current

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<sup>1</sup> Christodoulou, D. 1990. *The Unpromised Land*. London: Zed.

structural constraints the policy has to grapple with in the implementation process. A dominant view held by most governments implementing land reform is one that conceptualises the land reform process in a technicist form<sup>3</sup>. Such a view often underestimates subtle political currents that define the form and content of the land reform policy. Implicit within the land reform process is a “political imperative” that dictates the constitutional and economic prerogatives of the “class constituents” the policy is meant to serve. There are often dual prerogatives land reform policies have to serve simultaneously; the prerogatives of national reconciliation on the one hand and the dictates of a global competitive economy on the other. In this regard, the policy is expected to deliver on two competing forms of democracy. On the one hand, the policy is expected to spread and consolidate constitutional democracy by acknowledging rights to land to a diverse range of constituents across race, class and gender divide, while on the other it is conterminously expected to consolidate a market democracy by opening up an economic space for economic actors to engage within the agrarian realm much more effectively. In other words, the over arching economic framework should be one that corresponds and supports a market friendly economic framework while at the same time being able to consolidate constitutional democracy in countries undergoing a transition to democracy.

Within the development discourse, these dual functions express themselves through the manifest and latent functions<sup>4</sup> characteristic of most development policies. The latent function of a policy represents the interest of the political elites that prevail over the manifest function because of the highly asymmetrical relations of power between the elite and the peasantry. The manifest function, expressing the visible function of a land reform (delivery), generates a latent function, which is able to consolidate the political and economic power base of a minority and ethnically homogenous group of people. Land reform then becomes a process that ultimately generates an internal logic of control, economic power and disempowerment from those unable to partake in the mechanisms established for land redistribution. Zimbabwe’s, Kenya’s and South Africa’s land reform process to-date clearly articulates these dual functions inherent within the land reform process. These dual functions are inextricably

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<sup>2</sup> *Ibid*, pp.1

<sup>3</sup> Meer, S. 1999. “Constraints to Land Reform and Gender Equity Goals ” *Agenda* 45: 71-86.

linked in a contradictory mould, since the achievement of the former implicitly limits the leverage of a more overt and comprehensive land reform been achieved. Conceptualising the land reform process within such a theoretical milieu allows an understanding of the normative generic constraints within which land reform policies are embedded, and which subsequently limit their leverage to effect a widespread land redistribution programme as evident in Kenya, South Africa and Zimbabwe.

The Zimbabwe land and governance crisis has helped to re-animate the hitherto dormant debate on the land question in South Africa and Kenya. However a critical look at the similarities and differences that exist between the three countries raises some pertinent albeit critical questions about the efficacy of the land question in dealing with questions of transitional justice, and development. *What are the key similarities that unify these countries with respect to land issues?*

### **Similarities between Kenya, South Africa and Zimbabwe's Land Question**

One of the generic similarities is in their history of land alienation. The history of liberation in southern and eastern Africa is one that was rooted in land struggle as a central political denominator that fuelled the fight against the white settlers. Hence, Zimbabwe's economic, social and political history bears some similarities with that of South Africa and Kenya because of white settler occupation and subjugation which led to widespread land dispossession following military conquest in the 1890s. African peasants were located into units variously labeled by different Governments as Native Reserves, African reserves, Tribal Trust Lands and Communal Areas<sup>5</sup>. The process of settler occupation entailed the alienation of fertile agricultural lands, the seizure of cattle, the expropriation of wildlife hunting rights and the creation of exclusive forest reserves.

These areas suffered acute resource degeneration as a result of overpopulation<sup>6</sup>. In response to the problems the reserves were experienced, state interventions by the colonial states was deemed feasible. The Tomlinson Commission (1948) in South Africa, Swynnerton Plan (1955) in Kenya and the Morris Carter Land Commission (1925) were

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<sup>4</sup> Ake, c. 1996. 1996. *Democracy and Development in Africa*. Washington DC: The Brookings Institution.

<sup>5</sup> Moyo, S. 1995. *The Land Question in Zimbabwe*. Harare: SAPES Trust

<sup>6</sup> *ibid*

state led interventions that aimed at improving the conditions of the reserves in these countries.

For instance in South Africa, the Tomlinson Commission was set up in 1948 to devise a programme for the rehabilitation and development of the native areas. The commission proposed that if the homeland policy was to be viable, there would have to be the necessary infrastructure, land and money to make it work. The report advocated that money should urgently be spent on alternative jobs and agricultural improvements<sup>7</sup>. The commission proposed to grant freehold title in the South African reserves to a class of full-time farmers on economic farm units. This would have displaced half the rural population. Hence, government rejected this plan to make half the population of the reserves landless and instead betterment continued as part of a policy of settling even more people into the reserves<sup>8</sup>. The government's failure to address the land and development needs laid out by Tomlinson meant that conditions in the homelands did not improve.

The Tomlinson Commission (1948) is similar to Kenya's Swynnerton plan (1954) in the sense that they both aimed to create a class of black commercial farmers. The Swynnerton plan sought to create a class of accumulating yeoman farmers established on economic units. This was to be done through a process of consolidation and registration of land as freehold property, prohibitions on further subdivision of land, the selective loosening of restrictions on African cultivation of high value commodities, and the selective provision of credit and extension facilities. The Swynnerton plan did not give rise to distinctive classes of yeoman farmers and full-time labourers. The plan did not resolve disputes over land, it weakened rights of women to own land and freehold title did not stimulate the growth of a credit market as expected<sup>9</sup>.

In Zimbabwe state intervention to deal with the problems facing the reserves were enacted through the Morris Carter Land Commission in 1925. Its main brief was to examine ways in which the growing land problems could be resolved. The commission recommended slight increases in the land allocation to both the settlers and Africans. This report became the basis for the 1931 Land Apportionment Act (LAA), which codified the racial division of land in Rhodesia. The LAA was designed primarily to

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<sup>7</sup> Harrison, D., 1981. *The White Tribe of Africa*. Johannesburg: Macmillan.

<sup>8</sup> William, G. and E. Francis. 1993. "The Land Question." *Canadian Journal of African Studies* 27 (1): 380-403.



appease the anxieties of white settlers. Its main aim was to safeguard the settler agricultural system, because by the mid-1920s, these farmers had emerged as the single most powerful grouping in the country. The Native reserves were also targeted through the policy of centralization which was meant to improve land utilization and farming methods in the Native areas. Other measures introduced during this period were Destocking where the stock carrying capacity of each area was decreased. The root cause of the land problem was seen as a result of irrational use of land by Africans. Hence the colonial administration started to use a combination of persuasion and force to ensure compliance with its policies. These forms of state legislations engendered resistance where chiefs, headmen and white land development officers who were charged with the implementation were attacked by the Africans. This mode of resistance led to the emergence of a new generation of African nationalists and nationalism against the colonial regime<sup>10</sup>

What unifies the Morris Carter Land Commission (Zimbabwe), the Tomlinson Commission (South Africa) and the Swynnerton Plan (Kenya) was the need by colonial authorities to protect the White Commercial Farmers interests by attempting to solve the "Native Problem". Achieving the latter was thought would appease the African population residing within the Native reserves. None of these grand plans generated their intended benefits. In all the plans, it was evident that the dissonance between what they aimed to achieve and the means of achieving it created intractable problems for the implementing authorities and their target communities. These strategies operated on the assumption that poverty and overpopulation in the reserves could be dealt with by providing African farmers with access to markets, to land outside the reserves, and to secure title which could be used to generate credit required for farm development.

Black agriculture in Kenya, Zimbabwe and South Africa was systematically destroyed through a series of legislative processes while white large-scale agriculture benefited from an extraordinary set of privileges and favourable policies<sup>11</sup>. In Kenya, South Africa and Zimbabwe, the creation and the consolidation of the reserves provided a good opportunity for the labour market and the control of African activity in the

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<sup>9</sup> *Ibid.*

<sup>10</sup> Chitiyo, T. 2000. "Land Violence and Compensation: Reconceptualising Zimbabwe Land and War Veterans Debate." *Track Two* 9 (1) 1-27

<sup>11</sup> Binswanger, H., J. Kirsten, and J. Van Zyl. 1996. *Agricultural Land Reform In South Africa, Policies, Markets and Mechanisms* Cape Town: Oxford University Press.

reserves. By reducing African's access to land and increasing their tax burdens, many Africans were compelled to seek employment or become resident labourers on European farms or in the mines in the case of South Africa<sup>12</sup>.

The preservation of large scale white owned farms was featured as a key prerequisite to attaining food security in South Africa, Kenya and Zimbabwe. State support of these sectors was evident in these countries. In Zimbabwe, from the 1930s, macro-economic and agricultural policies protected LSCF access to capital, technology, foreign currency and commodity markets<sup>13</sup> which helped to bolster their agricultural production. In South Africa, white farmers were an important political constituent of the apartheid state. Past governments and associated institutional structures protected and subsidised production and made available large tracts of land, ample water supply and cheap labour.<sup>14</sup> In Kenya, settler farming was more dependent on the government to come up with punitive labour practices that would coerce African people to go and work for settlers. Settler farming was a "parasitic sector" dependent on government aide for its operations<sup>15</sup>.

Hence, the battery of laws that were set-up by the respective regimes helped to institutionalise a bi-modal agricultural set up with skewed agro-support infrastructure. Land reform programmes in these countries were aimed at changing this form of a dual agricultural set up. Agrarian transformation therefore became one of the many discourses that shaped the orientation which these countries came to adopt. Land reform programmes in the three countries was aimed at changing these forms of a dual agricultural structure.

South Africa's, Zimbabwe's and Kenya's land reform policy making were overwhelmingly informed by the logic of the market. These programmes were predominantly attributed to the political compromises that were reached in the negotiation process towards black majority rule in Kenya, Zimbabwe and South Africa<sup>16</sup>.

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<sup>12</sup> *Ibid.*

<sup>13</sup> Moyo, S. 1995. *The Land Question in Zimbabwe*. Harare: SAPES Trust and Palmer, R. 1997. *Contested Lands in Southern and Eastern Africa: A Literature Review*. Oxford: Oxfam UK.

<sup>14</sup> Levin, R. 1997. "LAPC Land Reform Research: Mpumalanga District Study, Interim Report." Unpublished Paper, Johannesburg.

<sup>15</sup> Heyer, J., J.K. Maitha, and W.M. Senga. 1976. *Agricultural Development in Kenya: An Economic Assessment*. Nairobi: Oxford University Press.

<sup>16</sup> Levin, R. and D. Weiner. 1994. *Community Perspectives in Land and Agrarian Reform in South Africa*. Final project report prepared for John D. and Catherine T. MacArthur Foundation. Johannesburg: University of the Witwatersrand.

The use of restrictive jurisprudence and market principles are taken as the preferred means to achieve the desired land reform reflective of the nature of transition that marked the three countries. Political compromises and "fear of capital flight and inflow" have taken precedence in shaping the mechanisms of the land reform process. This explains where the discourse of property rights took centre stage in the formulation of these policies despite widespread disapproval from certain quarters. Within the market based land reform system, the state role is often limited to providing financial support to individuals, but more usually groups, trying to buy land from commercial farmers on the famous "willing buyer willing seller" basis. This approach is a-historical because it often ignores the current reality that power on the ground still resides very much with the white commercial farmers who are in a position to dictate terms- prices- to would be buyers<sup>17</sup>. The critique of the market based system is often based on such unequal power relations that dominate the process of land redistribution in these countries.

During the transition from white minority rule to democracy, a significant shift on some of the radical discourses on land occurred. Radical approaches such as expropriation and nationalisation were slowly assimilated as the transition compromise in the 1979 Lancaster agreements (Zimbabwe), 1994 Kempton Park agreements (South Africa) and the 1960 Lancaster House Conference, in the United Kingdom (Kenya) helped to institute a conservative market driven land reform programme.

In the case of Zimbabwe, the Lancaster agreements put in place a restrictive and overarching framework through which these programmes would be implemented. This agreement was the outcome of a conference in which all parties involved in the independence struggle negotiated the new constitution of Zimbabwe. The agreement carried relevant but limiting tenets to the land question, namely, the government could not expropriate the land without compensation and the distribution of land was to be done through the willing seller and willing buyer approach, hence institutionalising the market mechanism as the central one in land redistribution. After 1980, the new government, anxious to attract foreign investment, underlined its "reconciliation" theme by declaring that white farmers were not the enemy and were in fact a valuable asset to

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Gutto, S.B.O. 1995. Property and Land Reform Constitutional and Jurisprudential Perspectives. Durban: Butterworths.

<sup>17</sup> Palmer, R. 2000. "Mugabe's Land Grab in regional Perspective" in Bowyer-Bower, T.A.S. and Stoneman, C. 2000. Land Reform in Zimbabwe: Constraints and Prospects. Aldershot: Ashgate

the new Zimbabwe<sup>18</sup>. In South Africa, the Kempton park negotiations equally established an overarching framework that restricted a comprehensive change being effected with the patterns of land ownership in South Africa.

The Lancaster House agreement was overly ambitious-it projected that the process would be accomplished within the first decade of independence. Ten years later, land reform programme had only involved “cosmetic changes” in re-aligning the property relations in the countryside of Zimbabwe. In South Africa, the projected estimate of redistributing 30% of the available farm land in five years (1994-1999) echoes the kind of political pressure that drives these estimates beyond a realisable target. In Zimbabwe, the government aimed to settle 162 000 families on 9 million hectares of land between 1982-1985. In the first decade of independence, (1980-1990) the government had only resettled 51 000 families on 3 million hectares of land. In South Africa, between 1994-2004, less than 3% (less than 3 million hectares) of targeted agricultural land has been redistributed. In Kenya, the first post independence decade (1963-1973) had not achieved a redistributive acreage of anywhere near 3 million hectares.

The Kenyan independence negotiations were held in 1960 at the Lancaster House Conference, in the United Kingdom. Here, the fundamental constitutional changes for Kenya were finally conceded. An extract from Heyer's<sup>19</sup> analysis aptly captures this:

At independence, Kenyatta and those in power around him were faced with the choice of adopting a policy, which would lose them the support either of the remaining settlers or of the forest fighters. On the one hand they could have nationalised the land and expropriated the farms in the white highlands: this would have resulted in a mass exodus of whites and more important would have very severely jeopardised the inflow of foreign largely British capital on which their economic policy was based. On the other hand they could fulfil Kenyatta's pre-independence promises not to nationalise and expropriate. They chose the latter because the loss of capital investment posed a more immediately serious class threat than the disaffection of the forest fighters.

It is evident that these programmes were predominantly anchored in the political compromises that were reached in the negotiation processes towards independence in

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<sup>18</sup> Chitiyo, T. 2000. “Land Violence and Compensation: Reconceptualising Zimbabwe Land and War Veterans Debate.” *Track Two* 9 (1) 1-27

<sup>19</sup> Heyer, J. 1981. *Rural Development in Tropical Africa*. London: Macmillan.

Zimbabwe, South Africa and Kenya<sup>20</sup>. One of the agreed tenets of the negotiations was the need to accord constitutional credence to property rights in their emerging constitutions.

As a result of these negotiated transitions in Kenya, Zimbabwe and South Africa, there was a radical shift in the land redistributive models chosen by the respective liberation movements. Nationalisation measures, offering “land to the tiller” in the struggle against white minority rule, was gradually replaced by a more conservative market based land reform model. The latter model was an outcome of the balance of forces that came to pervade the negotiated settlements in the respective countries.<sup>21</sup> Land reform policies in these countries are seen as a top down policy that excluded genuine concerns of their constituencies. These programmes equally display a bias towards commercialisation, as an end product of the process.

The focus on the “progressive farmer” i.e. a large-scale commercial farmer, has been a central focus in the land reform programmes. In line with this, across different historical periods, there has been a desperate bid to build a stratum of “black commercial farmers” in Zimbabwe, South Africa and Kenya. In Zimbabwe this need was realised from the late 1980s within a context of the impending pressure to liberalise all sectors of the economy, and in particular, to transform the agricultural sector into one that was internationally competitive. The lack of agri-support systems and an unfavourable liberalised agricultural sector failed to stimulate a significant and viable growth of black commercial progressive farmers emerging in Zimbabwe in the 1980s.

In South Africa, the land policy shift in 2000, geared to create a class of black commercial farmers, is a credible initiative given the demographic imbalances that exist within the agri-sector along ownership patterns. This need is addressed through the, *Land Reform for Agricultural Development (LRAD)* programme which aims to deracialise the agricultural sector by creating a commercial stratum of black farmers. However none of these countries have succeeded in generating a notable number of black commercial farmers due to a host of reasons ranging from the hostile agri-economic context these

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<sup>20</sup> Gutto, S.B.O. 1995. Property and Land Reform Constitutional and Jurisprudential Perspectives. Durban: Butterworths.

Moyo, S. 1995. *The Land Question in Zimbabwe*. Harare: SAPES Trust and Palmer, R. 1997. *Contested Lands in Southern and Eastern Africa: A Literature Review*. Oxford: Oxfam UK.

<sup>21</sup> Moyo, S. 1995. *The Land Question in Zimbabwe*. Harare: SAPES Trust and Palmer, R. 1997. *Contested Lands in Southern and Eastern Africa: A Literature Review*. Oxford: Oxfam UK.

policies operated under to the weak institutional support that was accorded to the emerging farmers. Similarly, in Kenya, the bias towards progressive farmers was expressed through the 1954 Swynnerton plan that aimed to create individual freehold rights as an inducement to produce successful black commercial farming. Though the Swynnerton plan was initiated to counter the rural insurgency - *Mau Mau*<sup>22</sup>, by creating a bulwark of landed gentry, the economic success of this programme was never achieved as intended. The development impetus that individual freehold rights was envisioned to hold never materialized. Indeed the actual impact of Kenya's titling programme is subject to multiple interpretations beyond the current scope of this paper. The logic behind these schemes exemplifies a long held tradition in studies of rural development where a "safe and sound" investment is regarded as that which concentrates on building a class of "progressive farmers" to the exclusion of the "poor and less able" farmers.

The similarities discussed herein, have prompted fears that widespread land invasions as experienced in Zimbabwe are a possibility in South Africa and Kenya. This is because they share similar histories of dispossession, and have adopted similar models of land reforms - market based and one that adheres to the due process of property rights borne out of a negotiated political transition, which denies incumbent governments, adequate leeway in setting up its own policy parameters with respect to land policies. *But do these similarities outweigh the differences to warrant a reliable prediction of the Agrarian future facing South Africa and Kenya or do the differences "moderate" the contagious effects often associated with Zimbabwe's land crisis?*

## **Differences between Kenya's, South Africa's And Zimbabwe Land Question**

Despite the similarities the three countries share in their political and social histories as noted earlier, there are fundamental differences that one needs to take into account in understanding the regional dimension of land between the two countries, one of those being settler colonial experience. In Zimbabwe, the pattern of land ownership is somewhat different. Land alienation in Zimbabwe was mainly carried out over a 55-year

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Levin, R. 1994. "Participatory Research and Democratic Agrarian Transformation: The case of the Eastern Transvaal, Central Lowveld." *Transformation* 1994 25:34-57.

<sup>22</sup> *Mau Mau* was a guerilla movement that fought the British settlers in pursuit of their stolen land. Its emergence between 1950-1953 prompted the British government to come up with hastily constituted land reform programme (1954 Swynnerton plan) aimed at pacifying the revolt.

period, between 1910 and 1965. In the post independence era, approximately 4 500 white commercial farmers (0.03% of the population) control 31% of the country's land under freehold tenure or about 42% of the agricultural land, while 1.2 million black families subsist on 4% of the country's area of 390 076 square kilometers<sup>23</sup>. This ownership structure drastically changed with the invasions of farms that gained ground in February 2000. Current estimates suggest that they are less than 500 white commercial farmers who own less than 3% of the country's land<sup>24</sup>.

In South Africa, ownership of arable land is concentrated in the hands of an estimated 60 000 mainly White capitalist farmers, whilst nearly 70 per cent of the rural population lives in poverty. By the end of apartheid in 1994, 86 per cent of the land was under white ownership who constitutes about 13% of the population, while close to 85% of blacks control a meagre 13% of the land<sup>25</sup>. In Kenya, such skewed distribution was achieved through the Crown Lands Ordinance of 1902. This established a dual society in which the colonial government set aside 3.1 million hectares in Kenya for 3,600 European farmers.<sup>26</sup> It is through such skewed ownership patterns that the fight against settler colonialism in Zimbabwe, Kenya and apartheid in South Africa found its genesis. For instance, the emergence of the popular resistance movement *Chimurenga* in Zimbabwe and the formation of the ANC and its underground armed wing, *Umkhonto weSizwe*, and the *Mau Mau* in Kenya were some of the derivatives of land dispossession Africans experienced. The history of liberation in the Southern African region therefore is one that was rooted in land struggle as a central political denominator that fuelled the struggle against the white minority rule.

However, the evolvment of a nationalist sentiment based on land rights as a rallying call against white minority rule took different forms in Zimbabwe, Kenya and South Africa. Despite the central role that land dispossession and forced removals have played in the development of colonialism and apartheid in South Africa, land has never

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<sup>23</sup>Moyo, S. 2000. "The Interlocking Nature of Zimbabwe's Land Reform with Southern African Countries" Presented at a conference on Crisis in Zimbabwe: Implications for South and Southern Africa, Jointly Staged at Jan Smuts House, Johannesburg, by the South African Institute of International Affairs, BOE Merchant and BOE Securities.

<sup>24</sup> See: [http://www.zimbabwesituation.com/jun9\\_2004.html](http://www.zimbabwesituation.com/jun9_2004.html)

<sup>25</sup> Levin, R. 1994. "Participatory Research and Democratic Agrarian Transformation: The case of the Eastern Transvaal, Central Lowveld." *Transformation* 1994 25:34-57.

<sup>26</sup>Leo, C. 1984. *Land and Class in Kenya*. Toronto: University of Toronto Press.

Juma, C. and J.B. Ojwang. 1996. In *Land we Trust: Environment, Private Property and Constitutional Change*. Nairobi: Initiatives Publishers.

featured very highly on the ANC's agenda, being largely relegated to the background of strategic agendas and thinking<sup>27</sup>. The ANC's focus was historically on urban mass struggles and trade unionism. This historic focus on urban and working-class struggles partly reflects South Africa's high level of industrialisation and urbanisation. Unlike organised urban constituencies who could embark on industrial action and protests in big towns, the rural people were dispersed across different farms; there were few big centres in which they could congregate on a noticeable scale, and repression had intensified in the rural towns and on the farms during the 1980s<sup>28</sup>.

In Zimbabwe, land became one of the rallying cries of peasant conscientisation. The liberation movement elevated the personal and local discontent of the peasants to a national level to create awareness that the war was being fought to redress the historical experience of land dispossession<sup>29</sup>. The discourse around land reform in Zimbabwe was imbued with a nationalist sentiment of land rights as a key symbolic and political tool for mobilisation against white minority rule. For example, on 20 December 1989 *The Herald* of Zimbabwe reported Mugabe as saying that for his government, "the biggest single problem it is yet to resolve is that of land redistribution". He promised delegates to the first united Zimbabwe African National Union (ZANU) and Zimbabwe African People's Union (ZAPU) party congress that with Lancaster House agreement soon coming to an end, his government "simply must" deal more effectively, speedily and decisively with the land question<sup>30</sup>.

On the other hand, the policies of land dispossessions among the Africans in Kenya precipitated the formation of the *Mau Mau* commonly known as Kenya's Land Freedom Army. They was a growing wave of unrest in the cities and on the native reserves where the African population had been increasingly concentrated in conditions of dire poverty since European occupation of the land began shortly after the turn of the

<sup>27</sup> Levin, R. and I. Solomon. 1994. "National Liberation and Village Level Organisation and Resistance: A Central Lowveld Case-Study." in Levin, R. and D. Weiner. 1994. *Community Perspectives in Land and Agrarian Reform in South Africa*. Final project report prepared for John D. and Catherine T. MacArthur Foundation. Johannesburg: University of the Witwatersrand.

<sup>28</sup> Bundy, C. 1972. "The Emergence and Decline of a South African Peasantry." *African Affairs* 71:285 October. Levin, R. and I. Solomon. 1994. "National Liberation and Village Level Organisation and Resistance: A Central Lowveld Case-Study." in Levin, R. and D. Weiner. 1994. *Community Perspectives in Land and Agrarian Reform in South Africa*. Final project report prepared for John D. and Catherine T. MacArthur Foundation. Johannesburg: University of the Witwatersrand

<sup>29</sup> Chitiyo, T. 2000. "Land Violence and Compensation: Reconceptualising Zimbabwe Land and War Veterans Debate." *Track Two* 9 (1) 1-27

<sup>30</sup> Palmer, R. 1997. *Contested Lands in Southern and Eastern Africa: A Literature Review*. Oxford: Oxfam UK.



century which culminated in the *Mau Mau* revolt. The colonial administration responded with a series of political reforms and land reform programs aimed at agricultural intensification, the most significant features of which were transformation of indigenous land tenure through land consolidation of fragmented peasant holdings. The rural revolts formed the basis of Kenya's nascent land reform programs and transition to independence.<sup>31</sup> Despite the varying methodological strategies deployed to fight white minority rule in Kenya, South Africa and Zimbabwe, the outcome of the land reform systems has tended to "reinforce and promote the power and privilege of a small elite rather than tackling equal citizenship and political rights for all South Africans, irrespective of colour or ethnicity."<sup>32</sup> This is irrespective of the central role Agriculture contributes to the overall economy and livelihood provisioning strategies of the rural poor in these countries.

The contribution of Agriculture to overall economic development offers some stark differences between the three countries. This could partly explain the importance attached to land rights within the national politics. In South Africa, Agriculture's contribution to the economy is estimated at less than 5% of the GDP (and only 2.5% of exports) and employs approximately 10% of South Africa's formal job holders. In Zimbabwe (prior to February 2000 state led farm invasions), large scale commercial agriculture contributed about 18% of overall GDP, provides 40% of export earnings, provided formal employment for 26% of the Zimbabwean population, and more than 50% of the Zimbabwean manufacturing depends primarily upon agriculture<sup>33</sup>. The importance of the agriculture sector lies in its impact on export revenue and domestic consumption. The implementation of the land reform programme in 1999/2000 resulted in a sharp drop in output from the commercial sector, causing the value of exports to decline by around 30% from an estimated export value of US\$1bn in 2000<sup>34</sup>. Real decline

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<sup>31</sup> Gutto, S.B.O. 1995. Property and Land Reform Constitutional and Jurisprudential Perspectives. Durban: Butterworths.

<sup>32</sup> Marcus, T. 1991. "National, Class and Gender Issues in Land Reform." in *A Harvest of Discontent: The Land Question in South Africa*, edited by M. de Klerk. Cape Town: Institute for a Democratic Alternative for South Africa.

<sup>33</sup> Reeler, T. 2001. "The Current Crisis and Violence" Presented at a conference on Crisis in Zimbabwe: Implications for South and Southern Africa, Jointly Staged at Jan Smuts House, Johannesburg, by the South African Institute of International Affairs, BOE Merchant and BOE Securities.

<sup>34</sup> Institute for Security Studies, Zimbabwe, Economy at: <http://www.iss.co.za/AF/profiles/Zimbabwe/Economy.html>

in Agriculture continues unabated due to the land and political crisis that has enveloped Zimbabwe.

Agriculture in Kenya has been reducing its contribution to GDP along the past decades, due to growth of other sectors. Hence, its weight in GDP decreased from 38.4% in 1963 to 30% in 1990 and 29% in 1997<sup>35</sup> and to a mere 24% in 2004<sup>36</sup>. Its dominant role in Kenyan economy is still supported by the fact that 75-80% of the employed population works in the agricultural sector. This activity accounts for 50% of income due to exports despite the fact that three fifths of the country's land is non-productive. The contribution of Agriculture to the overall economy is therefore higher in Kenya and Zimbabwe (prior to February 2000) than in South Africa.

In relation to land policy, South Africa, Zimbabwe and Kenya have land reform programmes which broadly aim to restructure the skewed land ownership patterns created by their former regimes. They are state centric processes albeit of different forms. In Zimbabwe, the state plays a leading role in the resettlement programme which is seen as the key land reform programme. In South Africa, the land reform programme is divided into three pillars namely redistribution, restitution and tenure reform. Unlike Zimbabwe, South Africa has a restitution policy. The goal of the restitution policy in SA is to restore land and provide other restitutionary remedies to people dispossessed by racially discriminatory legislation, in such a way as to provide support to the vital process of reconciliation, reconstruction and development.

However, the redistribution programmes in Zimbabwe, South Africa and Kenya are unified by one objective: to redistribute land to the formerly dispossessed African population. The land reform programme in Zimbabwe and Kenya is Supply led. The key process is led by the state through its land acquisition process. In South Africa, the land reform process is demand led. The key process of land acquisition is mediated primarily through the market mechanism. Target communities have to consolidate their funds from the government in order to purchase land in the land market. *Based on the aforesaid, could one argue that the differences that define these countries land reform experiences are blurred, and hence Zimbabwe style invasions are possible in Kenya and South Africa?*

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<sup>35</sup> [http://kenya.com/people/people\\_007.htm](http://kenya.com/people/people_007.htm)

<sup>36</sup> see for example: <http://www.belgolaise/documents>

## **Will South Africa and Kenya Experience Widespread Zimbabwe Style Land Invasions?**

The dominant paradigm pervading most of South Africa's national psyche is that the crisis in Zimbabwe could easily be replicated in South Africa. That Zimbabwe's land invasions are a precursor to South Africa's agrarian future and elsewhere in Africa-Kenya. The lack of progress with South Africa's decade old land reform and the sheer collapse of Kenya's land reform since its inception preceding independence (1955) right through post-independence (1963) has also fuelled negative sentiments about the future of Africa's agrarian project. This predictive fear is more pronounced within the South African region due to the proximity of Zimbabwe to South Africa. The contagious effects of the crisis are therefore more evident. Current developments in Namibia<sup>37</sup> do not help either in quelling these sentiments.

This view goes against the very notion of the much touted "South African exceptionalism" argument which tends to see South Africa as significantly different in many ways from other African countries. Such a view tends to conceal some of the complex dynamics that have intercepted in creating the current crisis in Zimbabwe. I argue that an acknowledgement of the conjectural factors—social, political and economic need to be taken into account if a reliable prediction of a similar invasion taking place in South Africa, or even Kenya is to be considered. However it is beyond the scope of this paper to discuss the genealogy of Zimbabwe's crisis at length.

However, there can be little disagreement that Zimbabwe is facing a leadership and political crisis. Whether the land crisis preceded the political crisis or vice versa will hardly change the fact that over the last two decades since independence (1980-2000), land reform barely changed the structural inequities of ownership patterns. This presented a danger and opportunity for a populist party to manipulate a historical grievance to gain political capital, desperately required to consolidate its diminishing political power base. It took 20 years for this realization to be actualized by ZANU-PF. South Africa democracy is a decade old. Will it take another decade before opportunities of this nature present themselves, or are the similarities and differences that mark the

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<sup>37</sup> In March 2004, Land Minister Hifikepunye Pohamba announces in a speech to parliament that the government will begin land seizures "very soon". He was also quoted saying the government has enough money to begin the program, but that the expropriations will be done within legal parameters.

three countries adequate to espouse a different route South Africa and Kenya will take with respect to their land question?

Land hunger in Kenya has become one of the key defining characteristics of rural Kenya. Land in Kenya has become a political asset used to consolidate a system of political patronage. Land grabbing by politicians is one of the “political privileges” that unscrupulous politicians accorded themselves in the past. In the light of the post-2000 state supported farm invasions in Zimbabwe, this practise has catalysed a renewed political interest and debate on the land question in Kenya. It is a debate whose discourse resonates around the need to reclaim the indigenous land rights of communities who were displaced during settler colonialism and those who lost out as a result of the implementation of tenure reforms and through sophisticated forms of land grabbing. The Maasai pastoralists are a good case in point as will be noted later in the article.

Kenya’s attempt with her titling strategy as part of the Swynnerton programme<sup>38</sup> proved to be a dismal failure with respect to the Group Ranch Concept. In Kenya, the concept of collective rights within a statutory context was achieved with the pastoralist’s tribes in Kenya through the Group Ranch concept. The Land (Group Representatives) Act Cap. 287 of 1968 introduced a category of general territorial rights, which, upon identification, were then vested in group representatives. The “group” was defined in such a way as to include anything from a “tribe” to a nuclear family<sup>39</sup>. This was an attempt to accommodate some features of customary land tenure into the introduced English type of land tenure, but which generated community disputes across rural Kenya<sup>40</sup>. The registration of group ranches was viewed as a compromise between individual ownership and the need for access to wider resources in dry lands. Under this system, “communal lands” are divided into smaller units (ranches) which are then registered in the names of group representatives (three to ten members) elected by the members of the group. Every member of the group has rights in the ownership of the

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<sup>38</sup> The 1954 Swynnerton Plan aimed at transforming customary land rights to individual freehold. The twin pillars of the programme was the institution of freehold land tenure and the selective loosening of restrictions on African cultivation of high value crops such as coffee and tea. Transforming customary land rights to freehold land tenure was achieved through the process of adjudication, consolidation and registration. It was hoped that creating a landed gentry would act as a bulwark against the anti-colonial revolt that had emerged during the MAU MAU revolt in the early 1950s.

<sup>39</sup> Okoth-Ogendo, 1998. *The Perils of Land Tenure: The Case of Kenya*. Tokyo: United Nations University Press.

<sup>40</sup> Kibwana, K. 1990. “Land Tenure.” in Ochieng, W. *Themes in Kenyan History*. Nairobi: Heinemann.

group land in undivided shares.<sup>41</sup> The Group ranch concept was aimed at commercialising livestock production and de-stocking the pastures. Problems such as non-repayment of loans, trespassing of group ranch boundaries, refusal to diestock ranches, lack of marketisation in the livestock sector, and corruption among the group ranch committees led to the abolition of the Group Ranch Concept in the 1980s. By 1990 almost 80% of the groups had decided to dissolve the ranches. However the process of the subdivision increased social stratification as Group Ranch members allocated themselves larger parcels of land, along with the political and business elites who were able to buy large chunks of land. Land fragmentation and transfer intensified as a result of this process. This was mainly done for selling purposes<sup>42</sup>.

The loss of indigenous Maasai land through the land tenure system (individualisation of land) to non-Maasai has fed into the discontent. The Maasai pastoralists have lost huge chunks of land through these historical processes. Influx of agricultural groups and large-scale capitalist farmers following the individualisation of land held under statutory group title has worsened their landlessness along with an expanding vibrant land market where most of these Maasai have been tricked into selling their land by the rich in society. Indeed, the relation between Maasai and the (non-Maasai) immigrants has often been tense. For instance in 1993, many Kikuyu were killed and thousands chased, from their legally bought parcels at the instigation of local politicians in revenge for their voting for opposition candidates. These experiences and the continuous call by Maasai politicians for exclusive land rights have made Kikuyu afraid to buy land in Maasailand<sup>43</sup>.

In Post-independence Kenya, the debate around power sharing tended to resonate around land, which, in an agrarian society, is the primary social, economic, and political asset by and over which citizenship is defined and contested. This is vividly captured in the land clashes that began in the earlier 1990s in the Rift Valley and spread to the Coast, Nyanza, and Western provinces. These clashes were an elaboration of the

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<sup>41</sup> Rutten, M. 1992.. Selling Wealth to Buy Poverty. The Process of the Individualisation of Landownership Among the Maasai Pastoralists of Kajiado District, Kenya, 1890 – 1990. Saarbrücken: Verlag Breitenbach

<sup>42</sup> Rutten, M. 1997. "Land Reform in Africa: Lessons from Kenya" in *The Diversity of Development*, edited by T. Naerssen, M. Rutten, and A. Zoomers. Assen: Van Gorcum

<sup>43</sup> Rutten, M. 1997. "Land Reform in Africa: Lessons from Kenya" in *The Diversity of Development*, edited by T. Naerssen, M. Rutten, and A. Zoomers. Assen: Van Gorcum

discourse between national and ethnic citizenship in the area of land rights<sup>44</sup> and the ways in which the political establishment was able to feed into this bifurcation around national belonging, as primarily understood through politics of ethnic identity.

In fact, at the time of writing the article (August 2004), over a hundred Maasais from Kenya were arrested for invading white owned farms in Laikipia District, Kenya. Their greatest borne of contention is the loss of land they suffered through colonial instigated policies such as the Maasai treaties<sup>45</sup> which accorded the British fertile land which was previously owned by the Maasais and the failures of the land titling programme aimed at the pastoral communities.

The Government's response to the crisis fuelled widespread controversy across Kenya. Government Police were sent to arrest the invaders, and cases of human rights violations, use of excessive violence reported in the news media. The Minister of Lands in Kenya, Amos Kimunya was cited as saying that government did not recognise the agreements the Maasai community signed with the British colonial authorities and blamed the demonstrations on economic saboteurs out to stop tourism sector from recovery- Kenya's leading foreign exchange earner<sup>46</sup>. Government's stern response was shaped by its desire to maintain investor confidence in the wake of the invasions. The much needed foreign exchange through tourism seems to override the genuine concerns around land hunger orchestrated through the mild land reforms Kenya adopted. However, the Ministers position has been challenged by his fellow Ministers<sup>47</sup>, who claim that the Maasai have a sincere historical grievance since their land was leased for a period of 99 years and this lease has now expired and they are now entitled to reclaim back their land. Church leaders and legislators have equally condemned police action against the Maasai herdsmen who have invaded white-owned ranches. The Presbyterian Church of East Africa asked the government to stop brutalising the Maasai and Samburu

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<sup>44</sup> Ndegwa, S. 1997. "Citizenship and Ethnicity: An Examination of Two Transition Moments in Kenya Politics." *American Political Science Review* 91 (3): 599-616

<sup>45</sup> See Rutten, M. 1997. "Land Reform in Africa: Lessons from Kenya" in *The Diversity of Development*, edited by T. Naerssen, M. Rutten, and A. Zoomers. Assen: Van Gorcum. The Maasai treaties referred here are the 1904 and 1911 Treaties. High potential grazing land was taken by the settlers and in exchange the Maasais were allocated unproductive reserves. As a result they lost up to 35% of their former territory.

<sup>46</sup> Mathangani, P., 2004, "Tears of Fury as Land Protestors Clubbed, Arrested" East African African Standard at: <http://www.eastandard.net/headlines/news07070418.htm>

<sup>47</sup> Cabinet Minister in the Office of the President, William ole Ntimama, a Maasai by origin, has always championed the Maasai land question over the years. He was quoted on East African Standard, 26/08/2004, as castigating the Land Affairs Minister, Amos Kimunya, of claiming that the Maasai land was leased for 999 years and not 99 years as historically reported.

communities over their land. The Church instead proposed that the government listens to the grievances of the two communities and comes up with a lasting solution. The Moderator of the General Assembly, Rt. Rev. David Githii, said excessive use of force against the Maasai would not resolve the explosive land crisis adding that the two communities had a right to demand for the return of their ancestral lands after expiry of the 99-year lease signed between their leaders and the colonial government<sup>48</sup>.

Land invasions in Zimbabwe, Kenya and South Africa have been a marked feature signifying the limits of their land reform programmes, the anxiety and the political implication they hold for democratic consolidation. In fact, in South Africa, land invasions have been a cardinal feature of urban areas in South Africa over the past decade, but most have been defused by government moves to find alternative land for the homeless. They have not occurred on a large scale in rural areas to date, but have taken place in the Queenstown district, in Dwesa-Cwebe and Mkambati on the Wild Coast, and in the Mudimbo corridor alongside the Limpopo river. They are currently threatened in Wakkerstroom and in the southern Cape. Most of these cases involve restitution claims<sup>49</sup>. Sporadic and erratic land invasions in South Africa have also received a stern reaction from the South African Government. With the exception of restitution claims, where communities frustrated at the slow pace of the programme decide to reclaim their land, there are indications that serious land shortage is experienced in the urban centres. The provision of low cost housing and land to establish new housing developments are a pressing issue for the current government.

One of the most publicized invasions at the peak of Zimbabwe's farm invasions in 2000-2001, the Bredell land invasions (July 2001) in Johannesburg articulated Governments thinking on land invasions and signified the dire need to provide housing to its urban poor citizens. The invasion was seen as symptomatic of the government's failure to expedite the land reform process since the inception of democracy in 1994 and echoed concealed fears that failure to redistribute land in South Africa may lead to a Zimbabwe style land invasion crisis.

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<sup>48</sup>Sunday Standard. 29/08/2004. "Church Condemns Maasai Arrests" at: <http://www.eastandard.net/headlines/news29080402.htm>

<sup>49</sup> Cousin, B. 2000. "Why Land Invasions will Happen Here Too..." *Land Rights in Africa*, Retrieved 17 July (<http://www.oxfam.ofg.uk/landrights/SAZiminv.rtf>).

Analysts<sup>50</sup> saw the invasion as symptomatic of the government's failure to expedite the land reform process since the inception of democracy in 1994. This view sees extra-parliamentary land invasions as a warning beacon for the Government in addressing this legacy bequeathed by the apartheid state. The overtones of this view are often an echo of the concealed fear that failure to redistribute land in South Africa may lead to a Zimbabwe style land invasion crisis.

The second strand of thought presented a more conservative and a pro- SA government view. Land invasion is seen as tantamount to the invasion of the sanctity of property rights and the rule of law. Land invasions in this regard are viewed as an anathema to South Africa's attempt to attract foreign investment and integrate competitively within the global capitalist system. In this regard, government's unequivocal commitment to the rule of law is seen as instrumental in sending out the right signal to global capital that the Zimbabwean land crisis route will not be tolerated in South Africa.

The third strand in the analysis of the Bredell farm invasion dismissed the invasion as a political gimmick and one that is spearheaded by the Pan Africa Congress Party (PAC) in its attempt to gain political mileage. The view here is that the invasion is a "minimalist crisis" invented through a political intervention. Critics of this view point out that it under estimates the extent to which landless and poor people can be mobilised to act outside the ambit of the law and the domino effects this may have on the country as a whole. Whether post-apartheid South Africa still holds the political, social and institutional requisites to generate a collective rural based mass mobilisation on the land question is yet to be seen. Ten years may be too short to imagine the possibilities of a critical mass emerging to articulate collectively their discontent with the progress of land reform, a possible scenario close to the hearts of many within the NGO sector in this field.

The three strands of thought are all justifiable on their own account. Having sporadic and erratic land invasions has definitely increased the political pressure on the government to move decisively with its programme of land redistribution, but this on its own will not actualise the unfulfilled dreams of the millions of people who lack decent housing and access to land. The Bredell land invasion mirrored a deep systemic and

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<sup>50</sup> For e.g., see Kariuki, S. 2001. "Revisit Land Debate" in *The Sowetan*, 18 July



institutionalised challenge that faces the current government in its delivery attempts within the realm of land reform. Unfortunately, analysis of this invasion failed to move the national debates beyond the claims of government failure to intensify its delivery of land to communities. The constitutional limits the land reform policy is embedded in and which subsequently limit the realisation of its own vision was hardly captured in this debate. The Bredell land invasion helped to re-animate the debate about the land issues in South Africa within the national polity and in the context of Zimbabwe's crisis. The problems afflicting rural South Africa with respect to land issues- human rights violations of labour tenants, farmworkers, have rarely captured the imagination of a nation, in the same way the invasion at Bredell, or the land seizures in Zimbabwe did. In fact for the first time<sup>51</sup> since the 1994 democratic elections, land and land reform has been the subject of sustained media interest and public comment in South Africa, and the reactions of various interest groups in South Africa have been most revealing.<sup>52</sup>

Non-governmental organizations such as the Restitution Forum of the Southern Cape and the Karoo, the Transkei Land Services Organisation, the Northern Province Land Rights Coalition and the National Land Committee warned of the inevitability of invasions if the pace of land reform was not accelerated. Opposition parties that had remained silent on the land issue such as the Democratic Party (DP) called for faster release of land to needy rural communities. Agri-South Africa, which represents the interests of white commercial farmers, also urged the government to accelerate its programme of land reform and the creation of more black farmers.<sup>53</sup>

By 2001, in the wake of Zimbabwe's land crisis, there was a unanimous view that South Africa's land question which had hitherto been relegated to the background of national strategic thinking needed to be seriously overhauled. To some, this crisis represented in a rather brutal form, a reminder of a past that is yet to be resolved through land redistribution programmes. It is this failure on the part of the government to deliver on its promises of land, and its relative indifference towards land based civil society organisations that led to the formation of the (LPM) Landless People's Movement on 24 July 2001. The emergence of the LPM intensified the debate on land

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<sup>51</sup> see, Lahiff, E. and B Cousins. 2001. *The Land Crisis in Zimbabwe Viewed from South of the Limpopo* Journal of Agrarian Change, Vol. 1 No. 4, October 2001, pp. 652-666

<sup>52</sup> *ibid.*

<sup>53</sup> *ibid.*

reform in South Africa, since its radical stance on land issues was seen as a precursor to a Zimbabwe style invasion happening in South Africa.

However, the resurgence of the LPM was also seen to echo the post-2000 Zimbabwe's land seizures which were engineered by a dwindling and desperate authoritarian party in government, ZANU-PF, desperate to re-assert democratic populism that centred on a discourse of land rights and anti-imperialist sentiments. On the other hand, the emergence of the LPM similarly attested to a growing impatience on the part of land-based civil society organisations and landless communities with the slow pace of land reform in South Africa.

By late 1990s, the looming failure of the land reform programme, as well as the state's unwillingness to effectively challenge the power of organised agriculture, prompted growing frustrations among left-leaning land activists within the NGOs, who begun to argue in favour of organisational solutions that would enable landless people to make their own demands felt collectively in the public sphere<sup>54</sup>. The space for land sector civil society organisations to reflect the pressure of their client communities back to the arena of public policy-making rapidly narrowed, and NGOs found themselves between the rock of the demands of the landless and the increasingly impenetrable walls of government decision-makers<sup>55</sup>. This led to the emergence of the LPM<sup>56</sup> in July 2001 following a meeting between emerging regional and provincial landless people's organisations.

The LPM's founding statement states:

We the representatives of landless communities from the provinces of Kwazulu, Mpumalanga, Western Cape, Northern Province, Free State and West, and the Southern Cape region, met in Johannesburg on 23-24 July, 2001 with the support of the National Land Committee- to discuss our common frustrations with the pace of land reform in South Africa, and to agree on strategies to ensure that real reforms happens.<sup>57</sup>

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<sup>54</sup> Eveleth Ann and A. Mngxitama, 2003. "The Struggles of South Africa's Landless" *Development Update* Vol. 4 (2): 149-166.

<sup>55</sup> *Ibid.*

<sup>56</sup> The LPM is supported by National Land Committee which is a national network of nine land rights non-governmental organizations that work with landless communities trying to access land

<sup>57</sup> Landless People's Movement. 2001. Founding Statement, 24 July, Johannesburg

It was clear that the formation of LPM was primarily motivated by the state's dismal failure in dealing with the problem of land reform against the background of a land dispossession experience that spans three hundred years. During the World Conference against Racism, one of the key slogans that was used, "Landlessness = Racism", served to highlight an emotive and traumatised existence African people endure within a new democratic dispossession. The LPM motto, "Land Now" equally articulates an overwhelming anxiety and impatience to radically reverse the structural inequalities of land ownership that have only been tinkered with over the last 9 years of South Africa's democratic rule. The failure of the government to reverse skewed ownership patterns coupled with the persistence of human rights abuses suffered by farm workers and labor tenants is testimony to a failed programme which can only be rescued through a progressive social movement.

The LPM's birth in July 2001 was quickly followed by the country's first International Land People's Assembly, held as a "people's alternative" to the United Nations World Conference against Racism (WCAR) in Durban in 2002. The gathering, supported by the NLC but mandated by the fledgling LPM, brought together 3 500 landless people from across the country as a leading sector in the country's first major post-apartheid protest march outside of the ruling tripartite alliance. Of equal significance was the international nature of the LPM event, which drew participants from land and related struggles from Palestine, Guatemala, the United States and Australia, as well as solidarity messages from international movements<sup>58</sup>.

After the LPM's rapid growth in 2002 in Gauteng, amid a new wave of post-apartheid urban forced removals from informal settlements, it has increasingly managed to unite disparate land struggles of rural and urban people in a way that few movements have done in the past. However institutional wrangles between the NLC, the NLC board, and its affiliates with regard to the functions of the LPM has created unresolved tensions and led to the dismissal of Zakes Hlatshwayo as Director of the NLC. His dismissal came after his refusal to fire Andile Mngxitama over his involvement with the LPM. These wrangles have dealt a great blow on the organizational future of this movement and repeated arrests of the founding members by the National Intelligence Agency was

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<sup>58</sup> Eveleth Ann and A. Mngxitama, 2003. "The Struggles of South Africa's Landless" *Development Update* Vol. 4 (2): 149-166.

symptomatic of the national appeal this organization had generated within the national debate on land reform.

In the midst of developments, the ANC government main aim was to try and diffuse the claims that a Zimbabwe style invasion will occur in South Africa. In fact, President Mbeki was cited as saying that the crisis in Zimbabwe was as a result of the failure of the government to redistribute land in the country, while the ANC Secretary General, Kgalema Motlanthe saw the invasions as a protest action at the structural imbalance of land ownership which was “immoral”<sup>59</sup>. So while, the ANC government seem to empathise with its northern neighbour, its reverence of the due process of law and property rights within its own programme of land reform remained unwavering. Calls for expropriation of farms from farmers who refuse to cooperate in the land reform programme have hardly materialized in the past because of the Governments stern position on questions of property rights<sup>60</sup>.

In Kenya, the most publicized invasion during this period (2000-2001) was the invasion of about 300 squatters on a 45 000 acre farm owned by an assistant minister of Greek origin - Basil Criticos<sup>61</sup>. His claim of the invasion provoked outrage in Kenya and he subsequently lost his ministerial post as a result. It was claimed that these allegations were, however, unsubstantiated, given the fact that the squatters had been awarded the land prior to the 1992 general elections on condition that they voted him into parliament. In South Africa and Kenya, Governments response to land invasions was similar - stern warnings were issued that invasions will be outlawed and the sanctity of property rights will be upheld. Behind this thinking, was a need to reassure domestic and international capital that land invasion will not be entertained by their respective political establishment.

In Zimbabwe, the post-2000 land invasions were fully supported by ZANU-PF government as a retributive measure at its perceived enemies- “white farmers” and as a last political attempt to consolidate Mugabe’s waning political support. Land invasions in Zimbabwe are seen as a process that is instigated by the war veterans. Most critiques<sup>62</sup>

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<sup>59</sup> *ibid.*

<sup>60</sup> National Land Committee, Landless People Movement have been on the forefront calling for expropriation of white farms from farmers who refuse to cooperate in the land reform process.

<sup>61</sup> Mwangi, E. 2000. “Criticos Touched Raw Nerves.” *Nation*, May 14, p.1.

<sup>62</sup> Tekere, M. 2001. “A Zimbabwean Perspective on the Implications of the Crisis for Southern Africa” Presented at a conference on Crisis in Zimbabwe: Implications for South and Southern Africa, Jointly

however argue that land invasions are being carried out by Mugabe's sycophants, most of them unemployed rural people and peasants who have blindly responded to Mugabe's crudified form of a false and highly authoritarian form of nationalism. Invoking a discourse of victimhood and portraying whites as the victors of a post colonial epoch, Mugabe has successfully, albeit in an unsustainable manner, invoked the use of race and land as political weapons to fight the leadership crisis he has faced since the February 2000 referendum.

In 1980, there were approximately 65 000 Zimbabwe African National Liberation Army (ZANLA) and Zimbabwe People's Revolutionary Army (ZIPRA) guerrillas. About 20 000 of these became part of the new Zimbabwe National Army. The remaining 45 000 were officially demobilised, awarded a monthly income of Z\$ 185 until 1983, and encouraged to form self help co-operatives or receive skills training. Beyond this there was little national attempt to assist their socio-economic re-integration. Many ex-combatants had become victims of the twin scourges of poverty and AIDS and many felt ignored by the new government. In 1989, the Zimbabwe War Veterans Association was formed (ZWVA), a reactive initiative taken by ex-combatants when it became clear that government had failed to assist them. As a result of their pressure on government, the War Victims Compensation Act (1993) was passed by the ZANU-PF government in 1993. The disbursement of these funds was however wrecked with corruption and unqualified people became beneficiaries of the fund.<sup>63</sup> By 1997, President Mugabe had bowed to pressure from war veterans to compensate them with a lump sum of Z\$ 50 000 and a gratuity for life of Z\$ 5 000 per month. However, the disbursement of these funds created further splits within the war veterans association, while Mugabe's move cost the national exchequer Z\$ 4 billion and proved to be an economic liability. By mid -1999, however, factional struggles within the war veteran's movement and mounting criticism of the government were bringing the two sides closer to the rapprochement that was to become so evident in 2000. By 2000, the war veterans had effectively become the "military wing" of ZANU-PF in the war against white commercial farmers<sup>64</sup> from which Mugabe's has drawn enormous advantage.

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Staged at Jan Smuts House, Johannesburg, by the South African Institute of International Affairs, BOE Merchant and BOE Securities.

<sup>63</sup> Cnitiyo, T. 2000. "Land Violence and Compensation: Reconceptualising Zimbabwe Land and War Veterans Debate." *Track Two* 9 (1) 1-27

<sup>64</sup> *ibid.*

An understanding of why war veterans have become an important political class for Mugabe's government must be located within the economic hardship faced by Zimbabwe since the late 1980s. This hardship was aggravated by the drought of 1990-1993, the cost of the huge war veteran's disbursements and the currency crush of 1997 and the failures of Economic Structural Adjustment Programme to generate the expected growth rates. As the economy worsened, the Government's language, actions and postures became increasingly militant and defensive<sup>65</sup>. With an increase in international isolation and internal urban criticism, the government was forced to seek new political stakeholders in order to retain power. The two obvious stakeholders in this strategy were consequently the peasants and the war veterans, whose cry for land formed a central discourse in the articulation of their daily struggles for social reproduction.

The farm invasions were therefore instituted as an essential part of a political strategy to combat the growing influence of the Movement for Democratic Change (MDC) and to win back rural support by using the promise of land resettlement. The government also used the land issue to try to deflect attention away from other pressing problems such as the dire state of the economy and widespread, large-scale corruption within the government. In their eyes, the invaders were the vanguard of a land revolution.

Although the pivotal role ex-combatants have played in exacerbating the crisis remains a contested issue, it is nevertheless important to look at the possible role such a group could play in South Africa. Put simply: what possibilities exist for South Africa's ex-combatants to revert to a similar predicament? Has the process of demobilisation of South Africa's combatants in the liberation struggle been successful in averting a potential Zimbabwe type political instability?

Properly managed demobilisation is important for rebuilding post-conflict societies. The process of demobilisation often involves the physical demobilisation of the soldier from the military with some short term assistance, and a longer-term social reintegration process. The real conversion challenge lies in the area of long term social reintegration. If ex-combatants cannot find employment there is a danger that they will fall back on what is often the only skill they have the use of weapons resulting in increased crime and possible insurrection. In South Africa, demobilisation has been

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<sup>65</sup> *ibid.*

poorly managed and has failed to meet the needs of ex-combatants. For example, the training programme provided for ex-combatants through the Service Corps was not helpful in re-integrating demobilised soldiers into society and left most soldiers frustrated. Some have argued that the training was too basic, hence most ex-combatants decided to boycott it. Due to a lack of proper re-integration programmes in South Africa, most analysts currently fear that a replica of what is happening in Zimbabwe is bound to also occur in South Africa<sup>66</sup>.

In post-independence Kenya, *Mau Mau* war veterans have played a minimalist role in agitating for the return of their land, or in contributing significantly within the national political discourse of the post-independence Kenya. In post-independence Kenya, the *Mau Mau* veterans were not rewarded with land or positions in the government. Instead, those loyal to the colonial government kept their land and bought other properties vacated by the settlers, becoming Kenya's new financial elite. In fact by 1999, veterans of the *Mau Mau* rebellion were demanding billions of Kenyan shillings in compensation from the British government for war crimes committed against them. The veterans of the *Mau Mau* say that the British government should admit responsibility for the loss of life, property and the pain inflicted upon hundreds of thousands of Kenyans during what the colonialists dubbed the "Emergency" from 1952 to 1960<sup>67</sup>. One could therefore argue that *Mau Mau*, supporters/movement appeared demobilized in the post-independence period (1963). In fact some of the agitations around land crisis, such as the land clashes of 1992 were politically motivated, and the current land invasions in Laikipia by the Maasais are an expression of their dissatisfaction at the loss of their land in colonial and post-colonial Kenya. Unlike Kenya, Zimbabwe's war veterans have always constituted themselves as a pivotal political grouping, using their liberation credentials to pressure the government for compensation in the post-independence era.

An argument could therefore be made that ex-combatants (*Umkhonto we Sizwe*) in South Africa could easily be mobilized through populist and oppositional politics waged by radical political parties. However, support for the Zimbabwe land invasion has

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<sup>66</sup> Mashike, L. 1999. "Zimbabwe Today, South Africa Tomorrow?: The Re-emergence of Conflict in Post Conflict Societies." Presented at the Workshop on Post-Conflict Peacebuilding in Africa held in Cape Town, 26 -29 June 2000.

<sup>67</sup> Shaoul, J. 1999. Kenyan *Mau Mau* seek Compensation from British Government at: <http://www.wsws.org/articles/1999/may1999/mau-m26.shtml>

not been massive from the former ANC armed wing *Umkhonto we Sizwe* Military Veterans Association (MKMVA). Indeed the organization has started negotiating with Land Bank and the Ministry of Agriculture and Land Affairs with a view to gaining access to state land. The national chairman of MKMVA, Deacon Mathe, has been keen to distance himself from any association with land invasions or criticism of the ANC led government. He claimed they were not interested in any form of land invasion, or in the way the veterans in Zimbabwe have addressed the land issues<sup>68</sup>. This strongly reflects the pro-government position the organization has always held towards the ANC and their subsequent invisibility within the national polity.

Another impact of the crisis in Zimbabwe to South Africa is in the manner in which the discourse of land reform was re-articulated within the South African polity. Often, the key barriers to land reform were identified as the white farmers- their inability to cooperate has often received criticism on the part of government and NGOs. High prices of land, farm evictions that go unabated, and the murder of white farmers<sup>69</sup> in rural South Africa were some of the key issues that came to dominate the debate at the peak of Zimbabwe's land invasion (2000-2001).

White farmers called for greater government action in the land reform programme and the need to respect property rights as enshrined within the constitution. Farm attacks which have happened in South Africa since the beginning of the 1990s were starting to be associated with the slow pace of land reform in South Africa. Support for South Africa's own land reform programme was also been fully supported by Agri-South Africa, an organization that represents large scale white commercial farmers in South Africa<sup>70</sup>.

For instance, the Minister of Land Affairs was quoted as having said that White owned farms would have to be acquired and white farmers "induced" to put their farms on the market if government is going to fulfill its land reform objectives, adding that market-based land reform has failed to deliver quality land at the right price. The

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<sup>68</sup> see, Lahiff, E. and B Cousins. 2001. *The Land Crisis in Zimbabwe Viewed from South of the Limpopo* Journal of Agrarian Change, Vol. 1 No. 4, October 2001, pp. 652-666

<sup>69</sup> It is estimated that about 1000 farmers have been murdered so far in their farms, and that the course of these murders are criminally motivated as opposed to racially motivated. However controversy still rages on whether one can separate the two, given the strenuous rural social relations that exist in rural South Africa.

<sup>70</sup> see, Lahiff, E. and B Cousins. 2001. *The Land Crisis in Zimbabwe Viewed from South of the Limpopo*. Journal of Agrarian Change, Vol. 1 No. 4, October 2001, pp. 652-666



National Land Committee equally identified the willing buyer and willing seller system as the course of the stagnation experienced with land reform efforts in Zimbabwe and South Africa<sup>71</sup>. Government funding of the restitution programme also received a marked increase of 200 millions rands in order to expedite the process which is targeted to end in 2005. This positive development was viewed as a sign of urgency on the part of the government to accelerate the process of land restitution.

However, current problems in South Africa's land reform programme in part mirror earlier Zimbabwean experience<sup>72</sup> and those experienced in Kenya. White farmers have often been cited as uncooperative. Cases of farm workers mistreatment are commonly cited in South Africa and Zimbabwe. The government lacks adequate capacity to implement land reform at national, provincial, and local level, budgetary constraints, weak community organizations, institutional conflicts are some of the problems South Africa has to grapple with. Worst still, the current governments approach with land reform policies espouses a strong bias towards commercialization and the target beneficiaries are bound to be the non-poor, as similarly experienced in Kenya and South Africa. A brief review of post-2000 policy developments illustrates the uncertain future of South Africa's agrarian question in the 21<sup>st</sup> century.

The Communal Land Rights Act (CLRA) was passed in Parliament in February 2004 and signed into law by President Thabo Mbeki on 14 July 2004. The key aim of the CLRA is to legalize security of tenure in South Africa's former homelands, home to a third of South Africa's population estimated at 43 million. The objective of legalizing tenure is to allow for more efficient use of the land that would induce a stream of investment into one of South Africa's poorest regions. Tenure Reform in South Africa is one of the thorniest issues the Land Reform Policy in South Africa is yet to grapple with. Insecure tenure rights afflict around 13% of South Africa's rural population estimated at 43 million. The Communal Land Rights Act will therefore affect about 14 million South Africans residing in the homelands, some of the worst underdeveloped regions in South Africa, home to 72% of the total population considered poor. These people hold insecure, conflicting and overlapping rights to land, the basis of which are acquired through occupation and not through a statutory process. Conflicts abound in these areas

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<sup>71</sup> *ibid.*

<sup>72</sup> Palmer, R. 2000. "Mugabe's Land Grab in regional Perspective" in Bowyer-Bower, T.A.S. and Stoneman, C. 2000. Land Reform in Zimbabwe: Constraints and Prospects. Aldershot: Ashgate

due to the messy “tenure matrix” the rural poor have to contend with. A poorly drafted tenure policy is therefore bound to exacerbate on these historically ingrained underdevelopment problems facing the rural population.

The Act also lacks a firm sociological base in understanding the “rural community” it targets to “develop” but will instead end up disenfranchising in the process. Weak institutional structures e.g. ineffective land management systems will encumber the implementation of the Act. Intractable conflicts within the community will further derail its success. These problems have also come to define the key features of South Africa’s institutional experience with regard to Land Reform implementation process in the past decade (1994-2004). It is therefore unlikely that the Department of Land Affairs will be able to process more than one hundred transfers per year. At this rate, critics (e.g. Cousins, 2002) estimate that it will take 200 years to transfer land to the estimated 20 000 rural communities in the ex-homeland areas.

The second cardinal policy development in the post-2000 period is the Land Reform for Agricultural Development (LRAD). Land reform for agricultural development aims to build a class of black commercial farmers in an attempt to de-racialise the agricultural sector and also achieve a more comprehensive agrarian reform in rural South Africa. LRAD is intended to make a major contribution to achieving government’s target for of transferring 30% of agriculture land within fifteen years. This implies a total area of approximately 25 million hectares needs to be transferred. The redistribution programme is falling short of its target to transfer 30% of commercial agricultural land to black owners over 15 years. Meeting this target requires redistributing about 1.64 million hectares per year<sup>73</sup>. A recent policy review based on a case study research of an LRAD project<sup>74</sup> revealed that LRAD policy implementation is encumbered by institutional and resource based problems similar to those encountered in old redistribution projects. Fundamental issues with respect to the policy design (e.g. release of planning grant, inflexibility of the grant structure), implementation (time-frames, stake-holders involvement-agency agreement) and post-transfer support (lack of production capital, stakeholders buy in) are potential areas that could seriously undermine the success of LRAD. A serious shortcoming in this project is the

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<sup>73</sup> Hall, R., P. Jacobs and E. Lahiff. 2003. *Evaluating Land and Agrarian Reform in South Africa. Final Report*. Cape Town: Programme for Land and Agrarian Studies (PLAAS), University of the Western Cape.

unavailability of adequate production capital that could be used to increase the current farming operations of the project. Hence this made post-transfer support of the project a major failure. Hence, poor rural communities are the least to benefit from such a programme and evidence already suggests that the bulk of the beneficiaries of this initiative are the relatively resourced community members<sup>75</sup>.

In Zimbabwe, the need to generate black commercial farmers was realized in the late 1980s within a context of the impending pressure to liberalise all sectors of the economy, and in particular, to transform the agricultural sector into one that was internationally competitive. The lack of agri-support systems and an unfavourable liberalised agricultural sector failed to stimulate a significant and viable growth of black commercial progressive farmers emerging in Zimbabwe in the 1980s. In Kenya, the progressive farmer strategy was expressed through the 1954 Swynnerton plan that aimed to create individual freehold rights as an inducement to produce successful black commercial farming. Though the Swynnerton plan was initiated to counter the rural insurgency - *Mau Mau*<sup>76</sup>, by creating a bulwark of landed gentry, the economic success of this programme was never achieved as intended. The development impetus that individual freehold rights were envisioned to hold was not fully achieved. Based on such a comparative review of South Africa's post-2000 policy developments against the background of Zimbabwe and Kenya, it is highly unlikely that these policies will succeed.

So far, for the last 10 years, out of 65,000 claims submitted to the Commission on Restitution of Land Rights by the 31 December 1998, 48 852 had been settled. To date 772 626 hectares of land have been delivered under the State Land Disposal Programme. Within the old redistribution programme, about 1.5 million hectares were redistributed to an estimated 130 000 households. With respect to the new redistribution programme (LRAD), between June 2003 and March 2004 government has settled 1 655 black farmers through LRAD and the cumulative figure of beneficiaries of LRAD since the programme launch in 2001 is 19 736. However, government has admitted that over the last 10 years their experience with redistribution programme and the Restitution Programme has made it clear that it is not sufficient to provide prospective farmers with

<sup>74</sup> Kariukis, S. 2004. "Creating the Black Commercial Farmer" forthcoming as ASC working paper series

<sup>75</sup> Hall, R., P. Jacobs and E. Lahiff. 2003. *Evaluating Land and Agrarian Reform in South Africa. Final Report*. Cape Town: Programme for Land and Agrarian Studies (PLAAS), University of the Western Cape.

access to land without also providing government support for production inputs and technical advisory services<sup>77</sup>. Given the aforesaid, post-2000 policy developments, namely the Communal Land Rights Act and the Land Reform for Agricultural Development are strategies that are bound to fail<sup>78</sup>. This failure has created a mixed feeling among analysts that the land question in South Africa is one of the unfinished business the ANC government needs to tackle decisively. It remains an explosive issue that could easily generate political instability or manipulated for political expediency. The fact that post-2000 policy developments do not address the real interests of the rural poor but rather exhibit a class bias towards the resourced rural community members, suggests that land hunger, unemployment and poverty will continuously undermine the livelihoods of the rural poor in South Africa. The prospect of a successful land reform in South Africa is therefore a bleak one and bound to generate political instability in the future.

Even though the land issue has been a contentious issue in Zimbabwe politics, one that preceded the governance crisis, ZANU-PF incorporated a long standing historical grievance into its own strategy of consolidating its hold on power. Land and politics in Zimbabwe have been intrinsically linked. But the current leadership crisis in Zimbabwe is not about land *per se* but rather about political power and governance crisis. Land is simply the medium by which power in Zimbabwe is and has always been denominated<sup>79</sup>. However, the failure to separate the noble land issue from politics of survival by the ruling party has harmed both South Africa and the region's political and economic outlook severely well beyond the SADC borders i.e. Kenya. The possibilities of a sustained land invasion in Kenya and South Africa cannot be entirely ruled out in the long run in so far as land hunger, low political will, resource limitations and weak institutions, continue to encumber the success of these programmes. The greatest danger

<sup>76</sup> *Mau Mau* was a guerilla movement that fought the British settlers in pursuit of their stolen land. Its emergence between 1950-1953 prompted the British government to come up with hastily constituted land reform programme (1954 Swynnerton plan) aimed at pacifying the revolt.

<sup>77</sup> DLA Journal No. 3 of 2004. at: [http://land.pwv.gov.za/publications/formal/land\\_info/ThreeLand.html](http://land.pwv.gov.za/publications/formal/land_info/ThreeLand.html)

<sup>78</sup> A comprehensive policy review of these strategies are available from the author in the articles: "Creating the Black Commercial Farmers in South Africa" and "Failing to Learn from Failed programmes: South Africa's Communal Land Rights Act 11 (CLRA: 2004)"

<sup>79</sup> Tekere, M. 2001. "A Zimbabwean Perspective on the Implications of the Crisis for Southern Africa" Presented at a conference on Crisis in Zimbabwe: Implications for South and Southern Africa, Jointly Staged at Jan Smuts House, Johannesburg, by the South African Institute of International Affairs, BOE Merchant and BOE Securities.

perhaps is the political impetus required, to sustain any mass invasion, whether this could hold for the case of South Africa and Kenya is yet to be seen.

## **Conclusion**

The unresolved nature of the land question in Kenya, Zimbabwe and South Africa clearly shows the limits of land reforms borne out of negotiated settlements that pave way for the consolidation of a liberal democracy. Any policy emerging from such an implicit bargain of power within a political transitional context is bound to be conservative, and at best successful in maintaining the *status quo* within the agrarian sector. The danger of this approach as we have seen in Zimbabwe is that it opens up political space for a Populist Party intent to garner political capital to manipulate the discourse of unresolved land rights as a strategy to “legitimise” its hold on power and hide beneath its own veneer of corruption and authoritarianism. This is achieved by questioning the liberal human rights discourse that has framed current land policies - property rights, with respect to their generic constitutional validity agreed upon during the transitional epoch.

It was argued that one of the negative implications of the crisis is based on South Africa’s unsettled land question and its relation to whites as a minority race group in South Africa and the clamour for land rights as was/is evident in Kenya’s sporadic land invasions. However, South Africa’s and Kenya’s government reaction to land invasions has been interpreted as an attempt to assuage foreign investors that intrusion of private property rights and political instability will not be tolerated. This is evident in the Kenya’s government current handling of the Maasais land invasion in Laikipia and South Africa’s response to the Bredell land invasion in 2001. It is perhaps worthwhile to say that any prediction of South Africa’s agrarian future within the context of Zimbabwe’s crisis should take cognisance of the similarities and differences of the land question in these countries. A consensus on one view with regard to South Africa’s future is difficult to hold, due to the complexity of the crisis that Zimbabwe has faced in the last decade or so. To easily juxtapose South Africa’s and Kenya’s agrarian future based on Zimbabwe’s past and current experience without acknowledging the differences and similarities may lead to an unreliable prediction of the two country’s agrarian future.

With respect to the South African land question, one could argue that Zimbabwe's land invasion has increased national awareness/popular consciousness that land invasions could be used to pressure the government to speed up land reform, it has also led to a unifying national consensus across different sectors of the country- political parties, NGOs and farmers that land reform needs to be accelerated. This crisis has also exposed Governments oscillating stance with regard to upholding property rights, market based systems, and the need to expropriate land<sup>80</sup>.

Given the drastic pressure on the South African government to accelerate its delivery of land, this does not erase the possibility of a "political opportunity" for a nation wide land invasion process to take root in the distant future. The ANCs bias towards a liberal economic agenda, that is urban based and now currently advocated through the post-2000 land reform policy development leaves much to be desired if rural transformation is to be realised. The fact that the rural poor have occupied the policy margins of the new policies and that land reform is not integrated within a coherent programme of rural development suggests that the current apartheid geographical landscape will be a constant reminder of the "unfinished business" of the national liberation movement.

For millions of the poor who reside in rural areas and rely on land for settlement and livelihood purposes, this represents a setback to having their development and security needs met. Changing these patterns of ownership through constitutionally backed mechanism, namely, the redistributive land reform process has proved a formidable task for the current government. Key challenges such as the centralised nature of the policy program, its failure to stimulate agrarian transformation, limited financial resources, low political commitment (evident in the allocation of less than 1% of the national budget to land reform), divergent ideological approaches to the land question, weak bureaucratic structures within government and civil society, the juridical nature of the policy, the incapacity of communities to partake in the reform process, and the disintegrated nature of the policy have all contributed to the paltry rate of delivery where less than 3% of the targeted land has been redistributed. These set of problems will continue unabated as rural communities engage in their daily struggles for social reproduction. Sporadic land invasions in Kenya (currently experienced in Kenya) and the

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<sup>80</sup> see, Lahiff, E. and B Cousins. 2001. *The Land Crisis in Zimbabwe Viewed from South of the Limpopo*. Journal

potential threat of invasions in South Africa will be constant reminders of the difficulties and frustrations suffered by deserving rural communities in their struggles for social reproduction.

Hence while endless debates rage on about the minimal success Kenya's, South Africa's and Zimbabwe's land reform programmes have had, what goes unnoticed in these debates is that these reforms were themselves not legislated to produce a radical outcome with respect to land redistribution patterns. They were mild reforms that instead reflected the exigencies of building a new political and democratic order that would attend to varying and often irreconcilable interests to land or in the words of one notable Political Scientist- Tom Lodge: "Liberal constitutions, even those that try to promote equality, tend to protect, conserve and restrain, rather than accelerate social reform. Historically, liberal democracy has tended to follow the development of more egalitarian social relations rather than being instituted before them. Land reform programmes that proceed according to constitutional proprieties are very rare".<sup>81</sup> Given the aforesaid, future threats of land invasions are highly likely, the nature, and spread of the invasions will be defined by the political economy prevailing at the time, and in particular, the organisational requisites (state or non-state actors) involved in such mobilisations will shape the character of these invasions.

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of Agrarian Change, Vol. 1 No. 4, October 2001, pp. 652-666

<sup>81</sup> Lodge, T. 2004. "Land Reform" *ARENA*, 32 (10): 6 - 7





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